THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.20352 of 2007

Dated: 03.12.2007

Between:

The Andhra Sugars Limited represented
by its Chairman & Managing Director.

.... PETITIONER

AND

The Eastern Power Distribution Company of
Andhra Pradesh Limited represented by its
Managing Director and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20352 of 2007

Order:

In this writ petition the petitioner challenges the action of the first respondent in demanding the back up supply charges for different months and its attempts to recover the amounts by various methods.

While admitting the writ petition on 6.10.2007, this Court has passed the following interim order.

> " There shall be a direction to the respondents to continue to supply power to the petitioner subject to its paying the additional charges for maximum demand in excess of the contracted demand, as per Clause 6 of the General Conditions of H.T. supply of tariff Order for the year 2007-08, apart from paying the energy charges towards the bill for the months of June, July, August, 2007 and thereafter.
>
> Post the WPMP after three weeks."

Today, when the matter is taken up, a memo is filed on behalf of the petitioners, which is to the following effect.

> "1. By order dated 6.10.2007 in W.P.M.P.No.26319/2007 in W.P.No.20352/2007 this Honourable Court was pleased to direct the respondents to continue to supply power to the petitioner subject to its paying the additional charges for maximum demand in excess of the contracted demand as per Clause 6 of the General Conditions of HT supply of Tariff Order for the year 2007-08 apart from paying the energy charges towards the bill for the months of June, July, August 2007 and thereafter.
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> 2. Meanwhile, the Memoranda of Understanding were amended on 27.9.2007 to the effect that, in the event of scheduled or unscheduled outages, the concerned DISCOMs shall supplement the demand and energy requirements to all the participating industries of the 2nd respondent APGPCL to the extent of the shortfall of demand and energy from APGPCL as per the requirement of the participating industry, subject to system constraints and exigencies of the A.P. systems at the prevailing industrial tariff of the concerned DISCOMs.

3. In view of the amendment of the MOUs, which is of the same effect as the aforesaid interim order of this Honourable Court, and to give a quietus to the issue in consonance therewith, this Honourable Court may be pleased to consider making the interim order final and closing the writ petition accordingly."

Sri Gopal Chowdary, learned counsel for the petitioner submits that since the subsequent amendment made on 27.9.2007 takes cares of the reliefs sought for by the petitioner, no further orders are necessary in the writ petition and the same may be closed.

Sri O.Manoher Reddy, learned standing counsel for the 1st respondent and Sri S.Ravi, learned standing counsel for the 2nd respondent expressed no objection for the request made by the petitioner in view of the developments that have taken place subsequent to the filing of the writ petition and the amendment made to the Memorandum of Understanding on 27.9.2007 and particularly in terms of the interim orders which were complied with.

Recording the submissions made by the learned counsel, the writ petition is closed as no further orders are necessary.

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N.V. RAMANA, J.

Date: 3.12.2007
msv